

### **Remarks**

Favorable reconsideration of this application is respectfully requested. Entry of the above amendments and following remarks is respectfully requested, along with consideration of the Request for Continued Examination filed concurrently herewith. Claims 1, 2, 3, 10, 11 and 12 have been amended. Revisions of claim 1 are supported for example, at paragraphs [0010] and [0014] of Applicants' disclosure as filed. Revisions of the other dependent claims are to address formal issues raised in the 35 U.S.C. 112, second paragraph rejection. Claims 7-9 have been canceled. Claims 20 and 21 are added, and which respectively recite limitations of the optical component and limitations of the recording light, based on configurations of original claims 8-10. The abstract has been amended to address formality objections. No new matter has been added. Claims 1-3 and 10-21 are pending.

### **Specification**

The specification was objected to for informalities for having mislabeled reference characters. A revised abstract is submitted above to remove all reference characters from the abstract. Withdrawal of the objection is respectfully requested.

### **Claim Rejections- 35 U.S.C. 112**

Claims 1-3 and 7-19 are rejected under 35 U.S.C. 112, second paragraph for being indefinite. Applicants respectfully traverse the rejection.

Regarding claim 1, the language "and positioning of the first semiconductor laser light source is adjusted to a predetermined position" has been revised to recite structural limitations in that "the reproduction light is focused on a predetermined recording layer through the other recording layer, thereby reproducing information from the predetermined recording layer, and the first semiconductor laser light source has a characteristic such that it emits the reproduction light in which an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components". Applicants respectfully submit that claim 1 is definite.

Regarding claims 2 and 3, these claims have been revised to add the term “the polarized light component” where the following terms of the respective claims further define the polarized light component. Claims 2 and 3 are definite.

Regarding claim 10, the terms “a recording unit included in the recording unit” have been revised to recite the terms “the recording unit included in the information recording medium” for clarification. Additionally, claim 10 has been revised to clarify the functional language. Namely, claim 10 recites the first semiconductor laser light source has a characteristic such that it emits the recording light in which an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components, or the optical component also functions so as to switch the state of polarization of the recording light emitted from the first semiconductor laser light source, whereby the amplitude of a polarized light component of the recording light that is polarized perpendicular to the track direction is caused to be greater than that of other polarized light components. Claim 10 is definite.

Regarding claim 11, the terms “a recording unit included in the information recording medium” has been changed to the recording unit included in the information recording medium”. Additionally, claims 11 and 12 have been amended to clarify that the optical component is another optical component distinct from the optical component of claim 1. Claims 11 and 12 are definite.

For at least the foregoing reasons, Applicants respectfully submit that claims are definite and request that the rejection be withdrawn.

#### Claim Rejections- 35 U.S.C. 102

Claims 1, 2, 7, 10, 13, 14, 16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugaya et al. (US 5,602,825). Applicants respectfully traverse the rejection.

Applicants respectfully submit that claim 1 is not anticipated by Sugaya et al., because Sugaya et al. at least fails to disclose or suggest “a reproduction light focused on a predetermined recording layer through the other recording layer, thereby producing information from the predetermined recording layer.”

Rather, Sugaya et al. discloses an optical disk having two recording layers but is a completely different structure than that of claim 1. In Sugaya et al., information is recorded on the recording layers using pit trains of a relief structure (ROM). Namely, when a recording layer to be reproduced is changed from one recording layer to another recording layer, an optical disk has to be put upside down. Sugaya is a completely different recording configuration that does not satisfy reproducing information by a reproduction light focused on a predetermined recording layer through the other recording layer, thereby producing information from the predetermined recording layer.

Differently from Sugaya et al., the optical information reproduction device of claim 1 can allow reproduction from a plurality of recording layers to be performed from one side of the information recording medium, i.e. “the reproduction light is focused on the predetermined recording layer through the other recording layer, thereby reproducing information from the predetermined recording layer” as recited in claim 1.

Sugaya et al., however, fails to teach such a configuration that can reproduce information on a plurality of recording layers from one side of the information recording medium.

Moreover, claim 1 further defines a combination of the configurations for operating appropriately such reproduction from the multilayer structure of recording layers. For example, claim 1 recites the first semiconductor laser light source has a characteristic such that it emits the reproduction light in which an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components, or a optical component is provided along the optical path between the first semiconductor laser light source and the objective lens so as to switch the state of polarization of the reproduction light emitted from the first semiconductor laser light source, whereby the amplitude of a polarized light component of the reproduction light that is polarized perpendicular to the track direction is caused to be greater than that of other polarized light components.

The rejection indicates that Fig. 2 of Sugaya shows that the reproduction light includes as its main component a polarized light component that is polarized perpendicular to the track direction of the information recording medium. Applicants respectfully disagree. Rather, Fig. 2 of Sugaya shows a polarization beam splitter 22 that only has a

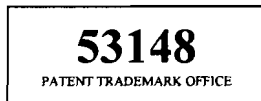
function of separating incident light. Thus, Sugaya fails to teach the relationship between a track direction and a polarization direction of a polarized light component of reproduction light. As such, Sugaya also fails to teach that an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components.

For at least the foregoing reasons, Sugaya et al. does not anticipate claim 1. Consequently, claim 1 and its dependent claims are allowable.

Claim Rejections- 35 U.S.C. 103

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugaya et al. (above) in view of Fukakusa et al. (US 6,256,283). This rejection is moot as claims 8 and 9 have been canceled. Withdrawal of the rejection is respectfully requested.

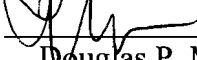
In view of the foregoing amendments and remarks, Applicants believe that this application is in a condition for allowance. A Notice of Allowance is respectfully solicited. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative listed below.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0903  
(612) 455-3800

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By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/baw